

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HENRY KUEHN AND JUNE P. KUEHN

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:08CV577-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY
AND JOHN DOES 1 THROUGH 10

DEFENDANTS

**PLAINTIFFS' MOTION FOR EXTENSION OF
DEADLINE TO DESIGNATE EXPERT WITNESSES
OR, IN THE ALTERNATIVE, TO STAY THE PROCEEDINGS**

COMES NOW the Plaintiff, HENRY KUEHN AND JUNE P. KUEHN, by and through their attorneys of record, DENHAM LAW FIRM, PLLC, and would move this Court for additional time to and would move the Court for an extension of time to designate expert witnesses and to stay the proceedings pending a ruling on [89] State Farm's Motion for Reconsideration of the August 17, 2009 Memorandum Opinion [85], Amended Order [88], and Judgment [87], and in support thereof would show as follows:

1. Plaintiffs seek additional time within which to designate expert witnesses in this cause of action. Plaintiffs' designation of expert witnesses is currently due on the 2nd day of December, 2009, and Plaintiff's seek additional time or until January 11, 2010, to designate expert witnesses, or until the Court rules on State Farm's [89] Motion for Reconsideration has been ruled upon. Plaintiffs' request is not made for purposes of harassment or delay.

2. State Farm's [89] Motion for Reconsideration of the August 17, 2009 Memorandum Opinion [85], Amended Order [88], and Judgment [87] is currently pending before the Court, and the Court's decision will greatly affect whether Plaintiffs' will require expert witnesses and the subject matter that will need to be addressed by any such expert

witness. If the Court affirms its Memorandum Opinion [85], Amended Order [88], and Judgment [87], Plaintiffs do not anticipate needing expert witnesses at all. However, if the Court rules otherwise, Plaintiffs may have to designate expert witnesses in accordance with any such Order, including possibly engineers and the like, which are not necessary under the Court's present Memorandum Opinion [85], Amended Order [88], and Judgment [87] due to the fact that causation is not at issue; the proceedings at this point are limited to Plaintiffs' claims for bad extracontractual and punitive damages. Accordingly, Plaintiffs respectfully request that the Court stay and/or extend the expert deadlines until such time as Judge Senter has an opportunity to issue an Opinion and Order regarding State Farm's motion.

3. Plaintiffs have no objection to the Court likewise allowing Defendant an extension of time to address this issue with its experts, if needed. Defendant will not be prejudiced should the Court grant Plaintiffs' Motion whatsoever.

4. The trial of this case has been scheduled for the three-week docket commencing September 24, 2010. Defendant will have ample time to review Plaintiff's expert designation and to address same through depositions, discovery and/or motions.

5. In the interest of justice and to prevent undue prejudice, Plaintiffs request that the Court allow an additional thirty days for Plaintiffs to designate expert witnesses.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request that the Court allow the Plaintiffs additional time to designate expert witnesses, or, in the alternative, to stay the proceedings pending a ruling on [89] State Farm's Motion for Reconsideration of the August 17, 2009 Memorandum Opinion [85], Amended Order [88], and Judgment [87].

Respectfully submitted,

HENRY KUEHN AND JUNE P. KUEHN

BY: DENHAM LAW FIRM, PLLC

BY: s/Kristopher W. Carter
KRISTOPHER W. CARTER
MS Bar No. 101963

CERTIFICATE OF SERVICE

I, EARL L. DENHAM, do hereby certify that I electronically filed the above and foregoing *Motion for Extension of Deadline to Designate Expert Witnesses* with the Clerk of the Court utilizing the ECF system, which provides notification of said filing to the following:

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SO CERTIFIED on this the 1st day of December, 2009.

s/Kristopher W. Carter
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